

## Group III Claims 29-34

drawn to an apparatus for making a food product.

Applicants traverse the restriction requirement and elect to prosecute group II, claims 6-28, drawn to a process for making a food product.

The Examiner states that groups I and II are subject to a restriction requirement because the process for production of a product with a heterogeneous texture, as recited in claim 6, is usable to make other and materially different product, namely reinforced plastic. However, claim 6 depends from claim 1 and therefore includes the limitations of claim 1, which recites that the product is a fish based food product. Since claim 6 is limited to a fish based food product and is not a process for reinforced plastic, the restriction requirement of groups I and II should be reversed.

The Examiner further states that groups II and III are subject to a restriction requirement because the product as claimed can be made by another and materially different apparatus, namely by hand. Claim 29 is dependent on claims 1 and 6, and includes the limitations of claims 1 and 6, and therefore the product is a fish based food product comprising a fibrous material obtained by extrusion cooking, as recited in claim 1. The manufacturing installation of the fibrous material also includes a means for the manufacture of fibrous material, as recited in claim 29, including heating, cooling and pressurization of the fibrous material, as described in the specification. It seems unlikely that the extrusion cooking and the precise control of pressure and temperature produced by the manufacturing installation can

be obtained by hand. Therefore, the restriction requirement of groups III and II should be reversed.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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12/27/01  
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